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## Editorial Comment

Decision of a New York Court  
Is Subject to Criticism

Many courts and a goodly number of people dissent whenever a public man or a newspaper comments adversely upon a court decision—as if every dictum from the Bench should be viewed with the respectful awe and unswerving acceptance devout Catholics pay a preaching from the Pope upon a matter of faith. Let those who thus cloak the courts in the garments of infallibility consider a recent decision by Justice Dugro, of New York, which was confirmed by the Appellate Division of the Supreme Court of said state. A negro Pullman car porter was arrested on the charge of stealing a card-case containing \$20. The next day he was discharged as innocent, and brought suit against his accuser for \$10,000. The jury awarded him \$2,500 which the Court reduced to \$300. In setting aside the first award Judge Dugro said:

The fact that he is a colored man is to be considered. You can not say he is just the same as a white man when you come to say how much shame he will suffer. He might suffer none. I think if you were to take the Mayor of the city and arrest him he would feel very much more humiliated than this porter. In one sense a colored man is just as good as a white man, for the law says he is; but he has not the same amount of injury under all circumstances that a white man would have. Maybe in a colored community down South, where white men were held in great disfavor, he might be more injured, but, after all, this is not this sort of a community. This is a court decision confirmed by the higher court of New York. And yet it is a decision repugnant alike to the laws of man and of God.

It is a decision which might have passed muster in the days of slavery when even preachers degraded their calling and blasphemed the Christ by declaring the negro has no soul. It would have been infamous then; it is more infamous now.

In violent contrast to the spirit and the letter of the constitution of the State of New York and the Nation, this decision strikes at a foundation principle not alone of Christianity but of very Humanity itself.

It is just such cases as this which exhibit prejudice or partiality, that are bringing the courts into disrepute. Who has the right to crown them with the tiara of infallibility, when it is considered that they often reverse themselves?

Wholesale and indiscriminate denunciation of the Judiciary system is to be deplored, but that being of the people and created by the people, the courts should be above the people, and immune from temperate and salutary criticism, is to argue in effect that American citizens are deprived of their independence and are in a state of mental vassalage.

Fight Against Alien Labor  
Breaks Out in Bisbee.

The recent journalistic storm in Prescott was not a zephyr as compared with the tornado of words and bitter accusations that is now shattering the scenery in "dear old Cochise," where the Bisbee Miner, a militant press and the Bisbee Review, the latter one of the Kelly string, are energetically chewing wool and making the Welkin ring.

The Miner accuses the Review of being a betrayer of the business men of the district who are much aroused over the increasing employment of the foreign labor element that drains the section of over \$700,000 annually, the amount of money it is claimed that is sent out of that district by the alien laborers.

In reviewing the situation, the Phoenix Gazette says: "That is the large issue at stake, and the Miner has lined up on the side of the American laborer and the American merchant, while the Review appears to back up the corporations, particularly the C. & A. company, which is accused by the Miner of being the most flagrant exploiter of the alien labor. Back of that there is the personal, political and commercial friction between Hon. Hoval A. Smith and Hon. L. W. Powell of the C. & A. company. The Kelly press has been smarting over its defeat for control in the last election.

The Miner is authority for the interesting statements that the Kelly syndicate received two years ago \$20,000 from the C. & A., with which it purchased the Tucson Star, and that when the crusade against the employment of foreign labor was started the Review aligned itself with the mining companies, because it had no alternative, and, having sold its birthright for a mess of pottage it heard the voice of its masters. According to the Miner, the Kelly syndicate is subsidized hopelessly and irretrievably. The war of words has reached the stage of personalities and old wounds have been opened which will not soon be healed. Backhandedly and in all other directions the Miner slaps Thomas F. Cole and Gene Newett, the publisher of Iron Ore, for the policies they have pursued. Sounding the clarion call to the people and

shaking a defiant fist in the faces of these corporations, the Miner welcomes the affray with evident relish. It really makes good red blood race swifter in the veins to witness how they are going at it. Out of the entire squabble no doubt will come some permanent good to the merchants and to American labor, so that the fight will not have been in vain.

## HOT WEATHER ADVICE.

This is the season of hot weather advice, shower baths, increased profanity and cold beer, declares the Albuquerque, N. M., Citizen. All of them are more or less numerous, just now, and one is followed about as faithfully as the balance.

So long as men must toil and strive hot weather advice is not of much use. However, there are a few simple pointers that most anyone can heed with out an undue strain. "Don't worry," heads the list, and this little motto covers a multitude of sins. It is not the great big worry—the human tragedy—that makes the thin man and the fat man akin these days, but it is the little, irritating, insidious fretting that sets the nerves awry.

There are so many ways of not worrying that it is difficult, indeed, to enter into a discussion of them. One way of not worrying is to take a vacation, enjoy it, if it is only for one week or four weeks, and then return to the grind of business with a new supply of fish stories and a bottle of cold cream. This apparently is the most up-to-date and approved form of not worrying. Even if you owe the butcher, the baker and the grocer—even if your house rent has not been paid and you have to buy your fishing outfit on credit, by all means take a vacation. You may put in the stillly night wondering how you are going to get out of debt, but you always have the satisfaction of knowing that the bill collector can't reach you until you return and that reduces your worrying capacity by at least one.

Another very simple way to not worry is to purchase a hammock. You can swing it on the front porch, if you have a front porch, otherwise you will have to find a different location. However, that is a mere detail, although the front porch is the approved place. A hammock looks very nice and cool, although after reclining therein for an hour each evening, you may arise to find your clothes damp with perspiration and that all the glorious colors of the red and green hammock have faded into your one best shirt. But don't worry. It should soothe your nerves to see the neighbors looking enviously at you and to hear their suppressed remarks about how lazy you are and how hard your wife has to work.

Another highly approved method of not worrying is to arise at 5 a. m., or earlier, if possible, don white trousers, white shoes, a negligee shirt and a boyish look. Then lie away, while the birds are twittering in the trees and the sunbeams are creeping over the eastern horizon, and play tennis. There is nothing like tennis to prevent worry. After you have chased the festive ball around the court for an hour and have covered the white trousers with the dust of the conflict, you may limp home, smiling meanwhile, take a bath, put on your real clothes and eat breakfast. By all means smile. Out door exercise would be useless without an invigorating smile. When you get to the breakfast table you may find that the cream has soured over night, that the particular egg you happened to draw made its first appearance in Kansas a few years prior to that and that the baby fed all the breakfast food to the family cat an hour before you got home. However, you have played tennis and you smile—don't worry. There are countless other excellent ways of not worrying—even to the one adopted by the old fashioned man, who puts on his slippers, lights his pipe, and sits around in his under-shirt reading the paper. After he reads awhile, he says: "Gosh, but it was hot today," and then he mops the perspiration from his brow and adds: "But she was a whole lot hotter'n this in New York City, by gum—say this here tariff revision business is a dummed outrage."

After all, the old fashioned man gets along about as good as anyone. There isn't much use in hot weather advice and the old fashioned man's way of besting hot weather is just to grin and bear it. It will be noticed in this respect that no reference has been made to the gentler sex. Hot weather advice to a woman is worse than useless. A woman who didn't worry wouldn't be a woman, and in that respect she simply dotes on hot weather. It's always beastly hot in the kitchen, anyhow.

INDIANAPOLIS, Ind., June 26. — Chief of Police Metzger, Sergeant Barmfuhrer and Captain Asch were indicted today for shooting Samuel W. Dowden, a prominent attorney, for refusing to stop while speeding his automobile.

## OUTSTRIPS COMPETITORS.

Unless something outside the range of present probabilities should transpire, it may be safely assumed that Arizona's position as the leader of the copper producers will be maintained indefinitely. Last year the territory surpassed Montana by approximately forty million pounds of refined copper, but in some quarters it was suggested that conditions in the latter state had not been normal during 1908, and that the figures for 1909 might disclose a reversal of positions.

It is now evident that such an assumption was based upon nothing more tangible than surmise. The figures for May show that Arizona produced 27,519,000 pounds, and that the average for the first five months of 1909 shows an annual rate of 323,000,000 pounds. For the latter period the territory's production was four million pounds in excess of that of its nearest rival—Montana. It is generally conceded that both Montana and Michigan have practically reached the limit of production, while it is equally apparent that Arizona may reasonably expect to increase its output by the exploitation of new territory already proven beyond the prospective stage.

This year Arizona Commercial will enter the market with an estimated output of nearly 1,000,000 pounds a month and the El Tiro, near the Imperial, will be responsible for an additional 500,000 pounds a month. Next year, the Miami, at Globe, with ore in sight to the amount of nearly 15,000,000 tons, will be ready for production upon a large scale and it will be closely followed by the Ray, with a present reserve of 21,000,000 tons of 2.30 per cent ore, the Ray Central, the Gila and several others in the porphyry belt near Kelvin. A little further in the future looms the Arizona Hercules and the London Arizona, among a dozen other properties of equal merit.

Last month's output was accounted for as follows: Copper Queen, 8,900,000 pounds; Calumet & Arizona and Superior & Pittsburg, 4,350,000; United Verde, 3,250,000; Old Dominion, 3,088,000; Detroit Copper, 2,075,000; Arizona Copper, 2,700,000; Shannon, 1,558,000; Imperial, 1,100,000; miscellaneous, 500,000. Great as is the present production of these leading properties it is unquestionably a fact that neither has yet reached its greatest capacity and that the various ore bodies will yield even greater tonnage for many years to come.

The outlook in Arizona was never brighter or more inspiring and it is a crying shame that Los Angeles, its natural base of commercial and financial supplies, has paid and is still paying such infinitesimal attention to the vast wealth that could be turned this way. So far, Boston and other eastern cities have reaped the lion's share of the reward in the exploitation of an almost limitless territory that has created more millions than any other country of equal area on the globe within the past ten years.—Mining Review.

W. M. MARTIN BUYS  
OLDEN GROUP  
OF MINES

(From Tuesday's Daily)  
A mining transaction, affecting a well known property, was consummated in this city, yesterday, when the Olden group of six claims and one mill site was transferred to W. M. Martin by D. G. Sinclair, D. P. Ryan and Leopold Walloth. The consideration is \$9,000.

Coincident with this deal, Mr. Martin also takes over the interest of Mrs. Rose Jaycock in the Little Rose group. The latter claims adjoin the first named. These claims lie in the vicinity of the Yarnell mine, in the Weaver range. Close to them considerable work is going on, and especially is the district well rated since general exploitation has been given. Mr. Walloth and Mr. Sinclair have in the last year extensively prospected the ground and lately some development has been given on several of the locations that makes them attractive. Mr. Martin will begin work at once, and it is his intention to place machinery on the ground to handle the product.

Real, up-to-date, live mining news is the Journal-Miner.

PRESCOTT IS CITY  
OF THE WHITE  
PEOPLE

(From Tuesday's Daily)  
Charles Born, school census enumerator of this city, finished his duties yesterday, and submitted his report to Superintendent of Schools Jolly. He is the recipient of praise for the manner in which he performed the task. From Born's census many interesting items are given.

The total number of school children within the city limits is 1014. This is an increase of nine over the preceding year, which must be weighted as a good gain, when it is taken into consideration the fact that many families moved out of the city owing to the financial stringency prevailing when so many mines and other industries on the outside shut down, many of whom sent to this city their children to receive better advantages in the schooling than in the camps outside.

Classified the report shows an interesting relation in the city's growth from what heretofore has prevailed. For instance, 383 of the total of 1024 children reside west of Granite creek, demonstrating that the new school house in that domain is a necessity.

Drawing a line north and south through the center of the city, with Cortez street, West Prescott has 598 children and East Prescott 426. This gives the west side the banner.

Of the total enrollment 474 are of compulsory school age. Those who attended school during the year total 737, while 283 attended no school.

That Prescott still maintains its famous reputation of long ago of being a "white man's town," is shown in the enumeration. There were but eight children of Mexican birth and two Hawaiians during the year. The remaining foreign born children are shown as follows: Canada, five; Germany, three; Switzerland, two; France, one, and Norway, one. The total enrollment of all foreign born is shown at but twenty-two.

The above total of 1014 children, according to Mr. Born's calculation, would give this city a population of at least 6500, taking the census of 1900 and subsequent enumerations of the general population as the basis of calculation.

The census as culled from the report shows additional information and is here given.

Number of white children between six and twenty-one years of age—Boys 465, girls 327, total 792.

Number of colored children between six and twenty-one years of age—Boys 11, girls 11, total 22.

Number of children between the ages of eight and fourteen—White 464, colored 12.

Number of children between six and twenty-one years of age, who have attended public schools at any time during the school year—White 514, colored 14.

Number of children between six and twenty-one years of age who have attended private schools but no public schools at any time during the school year—White 203, colored 1.

Number of children between six and twenty-one who have not attended any school during the school year—White 275, colored 7.

Nativity of children—Native born, native parents, 686; native born, one parent foreign, 140; native born, both parents foreign, 166.

CENTRAL ARIZONA  
POWER MEN  
STRIKE

WICKENBURG, Ariz., June 28.—The men employed by the Central Arizona Power company engaged in putting up poles and stringing wires for the new electric light and power system went on a strike. The company wants to reduce their wages from \$3 to \$2.50 per day for nine hours' work. It is hoped that the company and its employees will come to some agreement, as everybody is anxious to have the lighting system in operation at the earliest possible moment, especially the firm of Nagle & Bozarth, who will use electric power exclusively, not only for illumination, but for power as well.

Copies of the U. S. and Arizona mining laws, 25c, at office of the Journal-Miner.

COURTLAND MINE IS  
BONDED FOR  
\$75,000

COURTLAND, Ariz., June 28.—D. W. Brown, who has already bonded several valuable groups in that district, has just bonded five more claims in the Turquoise district, the amount being \$75,000.

The claims bonded are the Homestake, Headlight, Geronimo, Little Hope and Little Jap, for a term of two years. A payment of \$1,000 was made upon signing the papers, and the terms are more liberal than usual during the bonded period. It is understood that the new owners will promptly begin development and prospect the group thoroughly. The mines are located in the Courtland-Gleason district, and it is believed that the new management will develop another bonanza.

INDIAN OUTLAW TELLS  
STORY OF LIFE

PHOENIX, Ariz., June 25.—Henry Starr, arrested at Bouse by Deputy Sheriff Wayne Davis, was brought to Phoenix and later taken to Colorado to answer for the robbery of a bank at Amity, Colo., declares that he is innocent and has made public his life story.

Under the alias of Charles LaFollette, Starr was arrested at Bouse. At first he denied that he was Starr, but when identified by the Colorado officer, admitted that he was.

In jail at Pueblo, Colo., Starr, a few days ago, said:

"I am not worried at the outcome. When freed, if justice prevails, my wife and child and I will go back to Arizona."

Starr is two-fifths Cherokee Indian and three-fifths Irish-American. The Indian blood shows. He stands straight as an arrow. His hair is jet black, parted on the right side and brushed across his forehead. His face is smooth and has the brows of outdoor life. His cheek bones are high and prominent.

Officers in Colorado are confident they can convict Starr. He has a long, bad record, has been associated with outlaws and thieves for many years and has served three years for killing an officer. He admits that he has participated in robberies where the haul amounted to as much as \$20,000, and once or twice \$50,000.

In the statement he made in the Pueblo jail, Starr tells some of his history as follows:

"When I was released from the federal prison, I went back to the nation. I took up the study of real estate. This was six years ago.

"I married an Indian girl. We have one child—a boy, five years old. His mother is now teaching at the State normal school. No power or money could make me crooked again on their account.

"I settled down and began to make money selling land. Then the territory was admitted to statehood. I was told at Oklahoma City that the Arkansas people would try to get me on some old charges.

"They 'horsed' me around until I got tired and ashamed of it all. They arrested me. They charged me with all the robberies that had been committed in all the territory around. "I was finally discharged. Eight months ago I left Cherokee. I owned a house there. A real estate man, friend, I asked to sell my house.

"I went to Arizona. I knew my 'bad name' would follow me. I took the name of LaFollette. I went prospecting. I had many valuable claims there. Some day I might be wealthy. That is a splendid country for gold and silver.

"Then came the Amity bank robbery and the reward of \$1700 on my head, which was afterward raised to \$3400. I can prove that I was 500 miles away.

"In Arizona I needed money. I wrote to my friend to sell my house and this he did for \$800. I wrote him asking him to send me some money. His clerk got the letter. The reward had been offered and he turned me up. But it is not my friend who did it—it was his clerk.

"They arrested me in a little place near my claim, called Bouse, near Yuma county, Arizona. I was dressed as I am now. Just a blue light-weight flannel shirt, light shoes and khaki trousers. I had no gun on me and haven't carried one since I met the beautiful Indian girl I married."

**GAME HOG UNTOUCHED.**  
To save the quail of Nevada a law has been enacted there that all magpies are to be killed. The game hog is not a magpie, so the law "will be ineffectual."—Phoenix, Cal., Herald.